UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.105/PV.370
25 June 1992

ENGLISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE 370th MEETING

Held at Headquarters, New York,
on Thursday, 18 June 1992, at 10.30 a.m.

Chairman: Mr. HOHENFELLNER (Austria)

- Organization of work
- Ways and means of maintaining outer space for peaceful purposes

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The meeting was called to order at 10.50 a.m.

ORGANIZATION OF WORK

The CHAIRMAN: This morning the Committee will begin its consideration of agenda item 6. Inasmuch as we have a very short list of speakers for this item, it is my intention to continue discussion of agenda item 6 this afternoon and to begin consideration of item 7, Report of the Scientific and Technical Subcommittee on the work of its twenty-ninth session (A/AC.105/513), and item 9, Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, UNISPACE 82. Delegations wishing to speak on those items should therefore inscribe their names on the list as soon as possible.

WAYS AND MEANS OF MAINTAINING OUTER SPACE FOR PEACEFUL PURPOSES

Mr. SAHADE (Argentina) (interpretation from Spanish): Our discussion of agenda item 6, "Ways and means of maintaining outer space for peaceful purposes", at this session of the Committee on the Peaceful Uses of Outer Space is of great importance and in keeping with the spirit of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

The fact that the cold war is now a thing of the past might tend to suggest that this agenda item is perhaps no longer relevant. Regrettably, however, that is not the case; it will indeed be some time before the subject becomes irrelevant. The question, therefore, is: How can we hasten the day when it will no longer be necessary to include item 6 on our agenda?

The delegation of Argentina believes it would be very helpful were we to achieve transparency in our drafts and in our finished documents. This was our Government's opinion when we created the National Committee on Space Activities (CONAE), to which I referred yesterday and when we decided that the

(Mr. Sahade, Argentina)

work of that Committee was to be civilian and peaceful in nature. This is certainly a major step and deserves to be highlighted.

Another similarly important decision was that the national space plan now being drawn up by the National Committee must be submitted to the National Congress for approval. Political decisions like those I have just mentioned will undoubtedly help to ensure that outer space will be used exclusively for peaceful purposes, since, albeit with varying degrees of speed, the causes of lack of confidence that continue to exist in the world are being eliminated. Every country must contribute to this end.

With regard to the work of the Committee, we believe that it should be complemented, at the informational level, by the work of the Conference on Disarmament's Ad Hoc Committee on the Prevention of an Arms Race in Outer Space. Since both bodies deal with two distinct aspects of a common problem, we believe that it would help to streamline our work and to avoid duplication if we kept ourselves mutually informed of the work being done. We have already suggested that the Chairmen of both Committees identify items and data that might be mutually beneficial and that ways and means be found for the channeling of such information.

Mr. RIBEIRO (Brazil): Recent developments in the relationship between the two super-Powers, which also happen to be the most advanced space Powers, have given rise to positive expectations concerning the deceleration of the arms race in outer space. A drastic reduction in the strategic arsenals of the United States and the Russian Federation of the magnitude announced by the leaders of those two countries should entail less need for the use of outer space for military purposes and allow, conversely, for increased opportunities for its peaceful uses.

(Mr. Ribeiro, Brazil)

As the saying goes, "Where there is a will, there is a way." We must hope that the political will expressed by the two leaders will be translated into practical ways of eliminating a sizeable part of the nuclear arsenals that, up to now, not only have threatened each other but have endangered the rest of mankind as well.

The positive turn we have lately been witnessing in the international climate is due mainly to a new disposition to dialogue and cooperation between the two main nuclear Powers. The next logical phase in the process will be the enlargement of that bilateral dialogue and cooperation within a broader multilateral context.

As two faces of the same coin, there is a deep interrelationship between preventing arms races in outer space and maintaining outer space for peaceful purposes. Consequently, there is also a profound interconnection between the work of the Committee on the Peaceful Uses of Outer Space and the Conference on Disarmament.

In this connection my delegation has always underscored the need for better coordination and complementarity between both bodies. It is a question not of duplicating their mandates but, rather, of developing a process of mutually strengthening both bodies through a healthy cross-fertilization of efforts.

As my delegation has reiterated on many occasions - both at Graz and in the general debate at the Committee's thirty-fifth session - peace cannot be understood as merely the absence of wars. Peace is a dynamic process that involves the continuing search for the improvement of the material and spiritual conditions of peoples in various fields - political, economic, social, cultural and others - based on indigenous efforts and on international cooperation.

(Mr. Ribeiro, Brazil)

There is increasing recognition on the part of the international community that the concepts of international peace and security go beyond military factors, encompassing economic, social and other factors. In this regard the promotion of the economic development of peoples emerges as a crucial element for the consolidation of sustainable peace and security.

Just as the promotion of development among all countries on Earth requires both indigenous efforts and external cooperation, in outer space too we must also further the indigenous efforts of the developing countries through an intensification of the diffusion of space benefits and knowledge.

Therefore, space cooperation should aim not only at distributing the results of the scientific research and explorations conducted by the more-advanced space countries. It should also enable a greater number of countries to have access to technologies that allow them to further their indigenous efforts. The transfer of space technology to the developing countries constitutes one of the most crucial aspects of the process of promoting the maintenance of outer space for peaceful purposes. We are not talking here simply of unilateral transfers of technology or of access by importing countries to those technologies without adequate compensation to the supplying countries. On the contrary, we should give thorough consideration to ways and means of promoting fair, equitable and mutually acceptable commitments between technology-supplying countries and importing countries.

(Mr. Ribeiro, Brazil)

In that connection, my delegation considers very important and promising the preliminary deliberations held at the last session of the Legal Subcommitee, on the issue of "consideration of legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interest of all States, taking into particular account the needs of developing countries".

As the representative of Chile, and Chairman of the Working Group on this issue, Mr. Raymundo Gonzales, eloquently stated during the general exchange of views yesterday, the preliminary exchange of views was very intense and detailed; they were indicative of a constructive disposition on the part of all delegations. We hope the deepening of these debates at future sessions will bring about increasingly positive results in extending space benefits to more and more people.

Therefore, my delegation believes that as the positive prospects for the reduction of the arms race increase, efforts to maintain outer space for peaceful purposes should be further strenghthened. In that regard, the deliberations of this Committee take on a crucial aspect in terms of translating the international community's political will into political ways and means for space cooperation.

The CHAIRMAN: I now call on the representative of the Russian Federation. Mr. Mayorski has been following the work of the Committee for many years, and we welcome him back.

Mr. MAYORSKI (Russian Federation) (interpretation from Russian): Thank you, Mr. Chairman, for your kind words.

The Russian delegation is participating for the first time in the discussion of the priority item on the Committee's agenda, namely, ways and

(Mr. Mayorski, Russian Federation)

means of maintaining outer space for peaceful purposes. In this connection, I should like to present a few ideas.

First, the Russian Federation, as the successor State to the Union of Soviet Socialist Republics, acknowledges its responsibility to carry out the international obligations it entered into on a multilateral or bilateral basis. This applies to the entire spectrum of obligations that in one way or another deal with the issue of the use of outer space for peaceful purposes. Russia intends to maintain and increase this positive potential. Working with the United Nations on the question of outer space will continue to occupy a key position in the priority system of Russia's foreign policy.

Secondly, for many years the issues of a genuine organization of space activities and the management of those activities in the former USSR were hidden by a thick veil of secrecy. A qualitatively new moment right now in Russian activity has direct bearing on the question being considered by our Committee. That new moment is the establishment - for the first time in the history of our country - of an open civilian agency bearing the responsibility of carrying out State policy on the study and use of outer space. I am referring to the Russian Space Agency, which is part of the Russian Government.

That agency acts as the general orderer and buyer of space systems and facilities for scientific, economic and defence purposes. It coordinates commercial space projects and acts, together with the relevant organs of the member States of the Commonwealth of Independent States, on matters relating to joint space activities and the use of ground facilities. Together with other interested ministries and organizations, the agency is developing and presenting to the Government a project for State space programmes, which will

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be subject to public expertise. For the convenience of Committee members, our delegation will disseminate a statement on the situation with regard to the Russian Space Agency as a working document, which we will give to the Secretariat.

Thirdly, Russia is convinced that one of the most effective ways to ensure that outer space is used for peaceful purposes is the broad development of multilateral international cooperation in the study and peaceful use of outer space. In this context, there is great international significance to measures taken to combine the efforts of the independent States now formed on the territory of the former USSR in the domain of outer space, and to doing so on the basis of decades of productive economic and social contacts. A fundamental plan in this respect was the Agreement on Joint Activities in the Study and Use of Outer Space, signed by the Member States of the Commonwealth of Independent States (CIS) last December in Minsk (A/AC.105/C.1/L.179). Without detriment to any of the participants' independent programmes for the study and use of outer space, the Agreement regulates issues that are being elaborated on the basis of a unified inter-State programme for joint activity.

Of importance in the development of an institutional basis for this type of cooperation is the provision on the establishment of the Inter-State Space Council, composed of plenipotentiary representatives. The parties to that Agreement are bound to carry out their activities in the study and use of outer space in accordance with international legal norms currently in force and to coordinate their efforts to resolve relevant international and legal problems. In this Agreement, there is - for the first time in a document of this type - legal acknowledgement of the existence of space resources having military or dual-use capabilities, and it describes their role in carrying out

(Mr. Mayorski, Russian Federation)

inter-State programmes on the study and use of outer space. This will be a key element in the transformation of Russia and the other parties to the agreement into law-based States.

The Minsk Agreement was supplemented by the agreement of 15 May 1992 on maintaining and using the facilities of our space infrastructure in carrying out space programmes. That agreement regulates the functioning and use of these facilities, which have become the property of the States where they are located - Belarus, Kazakhstan, Russia, Turkmenistan and Ukraine. The right to use all types of property that belonged to this space infrastructure is being transferred to the Administration for Space Resources of the Strategic Forces. As it turns out, aside from those specialists, so far no one has been able to use those facilities. The general coordination of the use of this infrastructure - technical elements, launching and landing facilities, impact areas for jettisoned launcher stages, flight control centres, cosmonaut training centres, command and telemetry facilities, information-receiving and processing facilities - is being carried out by the Inter-State Space Council.

(Mr. Mayorski, Russian Federation)

Finally, in May of this year a special agreement between Russia and Kazakhstan was signed by the Presidents of the two States. It addressed the use of the Baikonur cosmodrome, which is in the territory of Kazakhstan. In this conenction, I should like to welcome to this session of our Committee the Observer from the Republic of Kazakhstan. In particular, the parties to this agreement have stated that coordination of scientific and productive activities in preparing and implementing space programmes, as well as the use of space technology in the interests of science and the economy, will be carried out by the Russian space agency and the Kazakhstan space research agency. Possible commercial projects at the Baikonur cosmodrome will be carried out jointly by the two States on an agreed basis.

In other words, we are striving to strengthen in every possible way the legal basis for cooperation in the study and use of outer space among States that were formally part of the USSR.

It is especially significant that yesterday, in Washington, D.C., Presidents Boris Yeltsin and George Bush, while reaching historical agreements on unprecedented reductions in nuclear weapons, signed a new Russian-American agreement on cooperation in the study and use of outer space for peaceful purposes, accompanied by a joint statement. The agreement provides for a substantial increase in interaction between the two countries in the conquest of space, and involves space technology and the practical applications of space techniques. Until recently, bilateral cooperation was limited to the area of space science. We have instituted a new machinery for considering, at the highest governmental level, the results of cooperation in the area of civilian space activities.

(Mr. Mayorski, Russian Federation)

In the joint statement, it was announced that there would be a detailed study of the potentials of space technology and of the steps necessary to encourage private companies to expand their search for new commercial potential in space business. Without exaggeration, it can be claimed that these new documents, in the light of the space potential of those two States, move us noticeably closer to resolving the problem of maintaining outer space for peaceful purposes.

In conclusion, I should like to add a few words about the work of the Committee on the priority item of its agenda. Overcoming the cold war has led the world to extraordinary changes that have laid the foundations for substantial progress on this priority item. In particular, we see the Committee's role as one of working out and resolving all legal aspects of the problem and all possible practical measures leading to a reinforcement of mutual understanding and trust in space activities. Here before us, we retain the task of bringing about creative and workable interaction with the Conference on Disarmament. In that respect, we agree with the delegation of Brazil. We believe that, under these new conditions, this task is quite capable of being resolved.

Mr. CHANDRASEKHAR (India): Our delegation considers that progress on the agenda item entitled "Ways and means of maintaining outer space for peaceful purposes" is very important from the viewpoint of strengthening the role of the Committee in promoting healthy international cooperation. This subject is also important because of the need to ensure that the exploration and utilization of outer space are carried out for peaceful purposes and for the benefit of all States. In this regard, we believe that the Committee has

(Mr. Chandrasekhar, India)

a vital role to play in the further development of the international legal basis for maintaining outer space for peaceful purposes.

The fundamental and guiding principles for the exploration and use of outer space for peaceful purposes have been expounded in various treaties developed by our Committee. However, as space technology and its uses are constantly evolving with rapid speed, we find that the aforementioned treaties need further elaboration to support efforts towards the prevention of an arms race in outer space. Hence, it is necessary for the Committee to pursue further elaboration of international law that could be applicable to all the activities of all the States in outer space.

Secondly, the Committee should complement and support the work of other forums that bears upon the creation of a conducive atmosphere for international cooperation in the peaceful uses of outer space. For example, there have been suggestions for considering various confidence-building measures, as proposed during past sessions of our Committee.

Thirdly, the Committee needs to address all issues where impediments to maintaining outer space for peaceful purposes are recognized. Furthermore, the Committee should identify a common approach for the removal of such impediments. In this regard, our delegation considers that the work of the Conference on Disarmament should be complementary and harmonized with ours, since the effectiveness of each depends upon the work of the other. This is the reason why our delegation supports establishing an appropriate working contact between the two bodies.

In exploring various ways and means of maintaining outer space for peaceful purposes, our Committee has laid much stress on strengthening international cooperation in such uses. The growth of international

(Mr. Chandrasekhar, India)

cooperation on a wider basis crucially depends on how space activities themselves respond to the urgent needs of a vast majority of nations, and how the participation of all countries is ensured and facilitated.

In this regard, we consider that the initiative taken by the Committee to examine in its Legal Subcommittee the question as to how the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, particularly developing States, represents an important step. In this context, our delegation considers that a very useful basis for substantive consideration of this agenda item is available for the Committee through the working paper proposed by a number of developing countries. Speedy progress in terms of common agreement on various principles reflected in this paper would be a significant effort on the part of the Committee towards facilitating greater international cooperation.

Strengthening international cooperation crucially depends on how the various mechanisms that exist or will evolve respond to the needs, priorities and interests of various countries. Thus, they should cater to the needs of States with various stages of development and be oriented towards the development of indigenous capabilities for applications. Taking into account the needs and interests of developing countries, such cooperation should facilitate the guaranteed availability of space services at affordable prices, provide opportunities for human-resource development for pursuing space activities or applications, make available increased international financial assistance, and develop appropriate policies regarding the exchange of information, data, equipment, or materials relating to space technology and its peaceful applications.

(Mr. Chandrasekhar, India)

The international or regional institutions established for strengthening such cooperation should give special attention to the needs of developing States and their participation. Hence, the creation of such a conducive environment for pursuing activities on the one hand, and ensuring the maintenance of the outer space environment through appropriate international norms applicable to all countries on the other, form the essential requirements for maintaining outer space for peaceful purposes.

Mr. GONZALEZ (Chile) (interpretation from Spanish): As a matter of fact, my delegation had not planned to speak in this debate, but we are doing so now as we feel impelled to do so by the very important observations that we heard during these deliberations; the observations to which I refer are basically those made by the representative of Brazil and by my friend Ambassador Boris Mayorski, the representative of the Russian Federation.

On this point, and I am referring primarily to what the representative of Brazil repeatedly said, I wish to say that my delegation fully agrees with the view that there is a need to develop a clear framework for international security whose central element should be peace as a dynamic concept which would include all the points he mentioned. This concept has in a way become part of consistent, customary practice and has recently been given its letters patent at the highest level by the international community, at the United Nations Conference on Environment and Development in Rio de Janeiro. This is a concept that we have to meet head on under the subject we are discussing and within the more general context of the mandate of this Committee.

It is therefore very important for us to try to break the link between the old, single-stringed concept of disarmament - I would even say the stale old concept, which has stood in the way of a more innovative, imaginative and creative consideration and evaluation of the matter - and all the other aspects that influence, impact on or otherwise affect the uses of space for peaceful purposes. With this in mind, we reiterate that we are in complete agreement with what the representative of Brazil said just now.

Furthermore, the Ambassador of the Russian Federation has made it clear to us that it is only through international cooperation and the rule of law that we shall establish mutually agreed formulas to ensure that the uses made

(Mr. Gonzalez, Chile)

of outer space will in fact be peaceful. It should also be recalled that the fifth preambular paragraph of General Assembly resolution 42/68 has a very clear reference to the need for the progressive development of space law, with the aim of cultivating international cooperation. International cooperation must be developed very consistently, within the legal framework of the progressive development of law, and taking into account the notions of security to which I referred earlier.

The Ambassador of the Russian Federation also brought up a subject of concern that we share, to wit, that it would be a good idea to prepare a framework of mutual confidence-building measures; something along those lines has already been done in the Conference on Disarmament. A number of formulas that are very interesting in theoretical terms have been put forward there by the delegation of Argentina, but we believe that the Committee also has a word to say on the subject.

Right at this moment, we do not have any precise or clear methods or mechanisms in mind for redefining this aspect of the agenda, but there is no doubt that the concepts we have heard aired this morning - confidence-building measures, a new concept of international security, the need to emphasize international cooperation within the framework of the rule of law, because otherwise international cooperation could end up becoming merely an expedient and subject to the good or ill will of the States providing it - ought to make us think seriously, so that we can make progress in a matter which is really crucial for all countries, given the new international scene we are dealing with now.

Today, the front pages of the newspapers and the major news programmes have brought to our attention a fact which we also think is of major

(Mr. Gonzalez, Chile)

importance: the recent agreement between the Russian Federation and the United States on space matters, amongst other agreements, which are obviously of enormous importance.

Given this new international scene, we must be able to come up with clear, imaginative and creative ideas so that we can get this issue a little way out of the morass it has been stuck in for a number of years now, and confined or relegated to a useful or an interesting exchange of views between States but one which I would not venture to call productive from the political point of view.

My delegation has therefore put forward these thoughts so that, if possible, there will be a response, and so that we can go on making progress, as we have been doing on other subjects, always keeping as our frame of reference the constructive spirit and the spirit of consensus which must prevail in the deliberations of the Committee.

Mr. BOYER (France) (interpretation from French): I wish to speak briefly in order to recall France's well-known position: it will therefore suffice to draw members' attention to the relevant part of the statement by the United States delegation in the general debate, to which the French delegation fully subscribes.

The meeting rose at 11.30 a.m.